



PTO/SB/64a (09-04)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))		Docket Number (Optional) 2-591.5
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First named inventor: Ian E. Abrahams

Application No.: 09/774,538

Art Unit: 3623

Filed: January 31, 2001

Examiner: Tamara L. Graysay

Title: System for Managing Risk

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

1. Petition fee

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 31 January 2002 (PCT/AU02/000094).

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature



Date

James A. Retter

41,266

Typed or printed name

Registration Number, if applicable

Ware, Fressola, Van Der Sluys & Adolphson LLP

Bradford Green, Bldg. 5, 755 Main St., Monroe, CT 203-261-1234

Address

06468

Telephone Number

Address

Enclosures: Fee Payment Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.



Date

Signature

Sue Muro

Typed or printed name of person signing certificate



Attorney Docket No.: 2-591.5
Serial No.: 09/774,538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: Ian E. Abrahams

Serial No.: 09/774,538

Filed: Jan. 31, 2001

Title: System for Managing Risk

Group Art Unit: 3623

Examiner: Graysay, Tamara L.

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY
(TO ACCOMPANY PETITION TO REVIVE)

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed to make of record a statement to accompany a petition to revive the above application.

*****If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442.**

STATEMENT

The above application was further filed as an International Application using a foreign associate in Australia (because the requirements for filing by the below could not be met because of the citizenship and residence of the inventors and the citizenship of the assignee) and applicant's attorney did not notify the US PTO of same within the forty-five day period required per 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c). At the time of the (US) filing of the above application, the first-named inventor, Ian E. Abrahams, stated that he did not wish to further file the application. However, when we contacted Mr. Abrahams with a reminder of the deadline (having first notified him at the six-month anniversary) for further filing, Mr. Abrahams stated near the end of the deadline (22 Jan. 2002) that he did wish to file an International Application and would send us a retainer for same. The below attorney, in haste to further file (which required finding a foreign associate and not simply ourselves preparing and filing an International application), simply did not recall at the time of the further filing that Mr. Abrahams had earlier indicated he would not further file and did not recall the non-publication request until Oct. 29, 2004, when the below was reviewing the file for responding to an Office action.

Respectfully submitted,



James A. Retter
Registration No. 41,266

3 Jan. 2004

Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

Tel: (203) 261-1234
Cust. No.: 004955